

JURISDICTION:

OREGON

General Reference:

This chapter summarizes Oregon State statutes related to speed.  
Oregon Revised Statutes and Oregon Administrative Rules (OAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person commits an offense if they drive a vehicle at a speed greater than is reasonable and prudent, having due regard to all of the following: The traffic; the surface and width of the highway; the hazard at intersections; weather; visibility; and, other conditions then existing.<sup>1</sup> 811.100(1)

Statutory Speed Limit:  
See Other below.

It is *prima facie* evidence of a violation of the basic speed rule to exceed the following speed limits.

A) 65 MPH on rural interstate highways 811.105(2)(f), 811.112(1) & 811.123(1)(e)

B) 55 MPH on other highways 811.105(2)(g) & 811.123(1)(f)

C) 25 MPH in a public park 811.105(2)(d) & 811.123(1)(d)

D) 25 MPH in a residential district if the district is not located within a city or urban growth boundary that is a county with a population >100,000 and the highway is neither an arterial nor a collector highway 811.105(2)(e)

E) 25 MPH on the ocean shore 811.120(1)(b)

F) 20 MPH in a school zone<sup>2</sup> 811.105(2)(c) & 811.123(1)(c)

G) 20 MPH in a business district 811.105(2)(b) & 811.123(1)(b)

H) 15 MPH in an alley 811.105(2)(a) & 811.123(1)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above *prima facie* speed limits on the highways outside an urban area. 810.180(7)<sup>3</sup>

II. The State Department of Transportation may "supersede" the maximum statutory speed limits ( 811.123) for highways in an urban area where such speed limits are not reasonable or safe. 810.180(10)

Minimum Speed Limit:

I. No person shall impede the normal and reasonable movement of traffic. 811.130

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 811.315(1)

Posted (Minimum) Speed Limit:

Basis for a Speed Law Violation: (continued)

The basic speed rule does not authorize speed limits in excess of the maximum speed limits. 811.108

This speed limit only applies when "children are present" or a flashing light indicates that children may be arriving or leaving a school. 811.105(2)(c)(A) & (B) 811.123(1)(c)(A) & (B) "[C]hildren are present at any time and on any day when children are in a place where they are or can reasonably be expected to be visible to a passing motor vehicle that is passing a school ground or a school crosswalk." 811.124

Under other provisions, the State Department of Transportation may by regulation designate a safe speed on the highways. This authority may be delegated to departments for low volume highways or roads which are not hard surfaced. 810.180(8)

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Other: A person shall not operate certain trucks or busses at a speed >55 MPH.<sup>4</sup> 811.115

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Offense are Traffic Violations. 801.550 & 811.100 et seq.

Other:

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

**None**

Basic Speed Rule & Exceeding the Maximum/Posted Speed Limits or Maximum Speed limits for Certain Trucks or Busses-Class A to D Traffic Violations-Varying fines from not more than **\$75** to not more than **\$600**<sup>5</sup> 811.100(3), 811.109, 811.115 & 6 of Chapter 1051 (Laws of 1999)

Impeding Traffic-Class D Traffic Violations-Not more than **\$75** 811.130(5) & 6 of Chapter 1051 (Laws of 1999)

Driving at Less Than the Normal Speed of Traffic and Not Driving in the Right Lane-Class B Traffic Violations-Not more than **\$300** 811.315(3) & 6 of Chapter 1051 (Laws of 1999)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

An offender may be required to complete a defensive driving course. 809.270(1)

Other:

**School & Work Zones.** If the traffic violation occurred in either a school or work zone, the fine base fine for the offense, as established by the courts, is **80%** of the maximum fine established for the violation. 811.230, 211.235 and 34, 35 & 37 of Chapter 1051 (Laws of 1999)

### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Licensing Action:

This speed limit applies to trucks weighing  $\geq 8,000$  lbs, school bus, school activity vehicle, a worker transport bus, a bus used to transport children on a church function or used by a non-profit organization to transport persons. 811.115

I. For exceeding the maximum or posted speed limit on highways with a speed limit of  $< 65$  MPH, the following fine sanctions are imposed: 1 to 10 MPH over the speed limit (Class D Traffic Violation)-not more than \$75; 11 to 20 MPH over the speed limit (Class C Traffic Violation)-not more than \$150; 21 to 30 MPH over the speed limit (Class B Traffic Violation)-not more than \$300; and,  $> 30$  MPH over the speed limit (Class A Traffic Violation)-not more than \$600. 811.109(1) & 6 of Chapter 1051 (Laws of 1999) II. For exceeding the maximum or posted speed limit on highways with a speed limit of  $> 65$  MPH, the following fine sanctions are imposed: Exceeding 6 to 10 MPH (Class C Traffic Violation)-not more than \$150; exceeding 11 to 20 MPH (Class B Traffic Violation)-not more than \$300; and, exceeding 21 to 30 MPH (Class A Traffic Violation)-not more than \$600. 811.109(2) & 6 of Chapter 1051 (Laws of 1999)

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Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via the Driver Improvement Program <sup>6</sup> 809.480
Term of License Withdrawal (Days, Months, Years, etc.):	<b>30 days</b> under Step Four of the Driver Improvement Program <sup>6</sup>
Mandatory Minimum Term of Withdrawal:	<b>30 days</b> under Step Four of the Driver Improvement Program <sup>6</sup>
Miscellaneous Sanctions Not Included Elsewhere:	

### Other Criminal Actions Related to Speeding:

<u>Speed Racing on Highway:</u>	Class A Traffic Violation 801.550 and 811.125(1) & (2)
Sanctions:	
Criminal Sanction:	<b>None</b>
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine (\$ Range):	Not more than <b>\$600</b> 6 of Chapter 1051 (Laws of 1999)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension</b> via the Driver Improvement Program <sup>6</sup>
Length of Term of Licensing Withdrawal:	<b>30 days</b> under Step Four of the Driver Improvement Program <sup>6</sup>
Mandatory Action--Minimum Length of License Withdrawal:	<b>30 days</b> under Step Four of the Driver Improvement Program <sup>6</sup>
Other:	I. An offender may be required to complete a defensive driving course. 809.270(1) II. See <b>School &amp; Work Zones</b> on page 204.

### Other Criminal Actions Related to Speeding: (continued)

<u>Reckless Driving</u> <sup>7</sup> :	Class A Misdemeanor 811.140(1) & (3)
Sanction:	
Criminal:	

**Driver Improvement Program.** Step One: An offender is mailed an "advisory letter" if they commit 2 traffic offenses within 12 months. This letter informs the offender of their driving problems. Step Two: If (1) an offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the advisory letter or (2) an offender has committed 3 traffic offenses within 18 months, they are mailed a "warning letter." This letter notifies the offender of the possible consequences if they are convicted of any more traffic offenses. Step Three: If (1) an offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the warning letter or (2) an offender has committed 4 traffic offenses within 18 months, they are subject to a driver improvement interview. During this interview, the licensing agency proscrites the offender from the program for driver improvement, places the offender on probation for 1 year and places restrictions on the offender's driving privileges. Step Four: If an offender commits a traffic offense during the 1 year probationary period, they are subject to a 30 day suspension. Note: This suspension appears to be mandatory. OAR 735-72-000 et seq.

The same sanctions, criminal and administrative, that apply for "reckless driving" also apply to the offense of "reckless endangerment of highway workers." This offense includes driving a motor vehicle in a "work zone in such a manner as to endanger persons or property." 809.410(36) & 811.231

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Imprisonment (Term):  
Mandatory Minimum Term  
of Imprisonment:  
Fine (\$ Range):  
Mandatory Minimum Fine:

Not more than **1 year** 161.615(1)  
**None**  
Not more than **\$5,000** 161.635(1)(a)  
**None**

Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev):  
Length of Term of License  
Withdrawal Action:

**Suspension** 809.410(6)

1st offense-90 days 2nd offense (within 5 years)-**1 year** Subsequent offense (within 5 years)-**3 years** 809.420(1)

Mandatory Term of License  
Withdrawal Action:

1st offense-90 days 2nd offense (within 5 years)-**1 year** Subsequent offense (within 5 years)-**3 years** 809.410(6) & 809.420(1)

Other:

I. An offender may be required to complete a defensive driving course. 809.270(1)  
II. **Incarceration & Medical Costs.** A city or county may seek reimbursement from an offender for the costs of medical care and incarceration. 169.150 & 169.151  
III. **School & Work Zones.** If the offense occurred in either a school or work zone, the **minimum** fine is **20%** of the maximum fine for the offense. 811.230 & 211.235

### Careless Driving<sup>8</sup>:

Sanction:  
Criminal:  
Imprisonment (Term):  
Mandatory Minimum Term  
of Imprisonment:  
Fine (\$ Range):  
Mandatory Minimum Fine:

Class B Traffic Violation<sup>9</sup> 801.550 and 811.135(1) & (2)

**None**

Not more than **\$300** 6 of Chapter 1051 (Laws of 1999)  
**None**

### Other Criminal Actions Related to Speeding: (continued)

Careless Driving: (continued)  
Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev):  
Length of Term of License  
Withdrawal Action:  
Mandatory Term of License  
Withdrawal Action:

**Suspension** via the Driver Improvement Program<sup>6</sup>

**30 days** under Step Four of the Driver Improvement Program<sup>6</sup>

**30 days** under Step Four of the Driver Improvement Program<sup>6</sup>

Other:

I. An offender may be required to complete a defensive driving course.

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persons commits this offense if they operate a vehicle "in a manner that endangers or would be likely to endanger any person or property." 811.135(1)

If the offense contributed to an accident, it is a Class A Traffic Violation. 801.550 & 811.135(2) The sanction for this offense is a fine of not more than \$600. Chapter 1051 (Laws of 1999)

809.270(1)  
II. See **School & Work Zones** on page 204.

Commercial Motor Vehicle (CMV) Operators<sup>10</sup>:

Grounds for Suspension:

A person's CDL is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations"<sup>11</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. 809.410(29) & (30)

Period of Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations  
(within 3 years)-**120 days** 809.410(29) & (30)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations  
(within 3 years)-**120 days** 809.410(29) & (30)

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A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle used to carry either passengers or property and either has a gross vehicle weight of  $\geq 26,001$  lbs., is designed to transport 16 or more persons, or is transporting hazardous materials. 801.208

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 801.477

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